Remarks

Upon entry of the above amendments this application will contain claims 1, 2-11, 12, and 17-19. This application was filed as a United States national application under 35 USC §371. Pursuant to a preliminary amendment filed upon national stage entry, claims 23-28 were canceled. In this Submission, claims 2, 13-16, and 20-21 have been canceled. Claims 11, 12, and 17-19 stand as withdrawn.

I. Restriction Requirement

In the Communication dated 20 August 2008, restriction to one of the independent and distinct inventions was required:

Group 1 claims 1-11, drawn to a compound;
Group II, claims 12-16, drawn to a pharmaceutical formulation; and
Group III, claims 17-22, drawn to a method of treatment.

Upon election of a Group further selection to a compound (for Group I) was also required.

The applicants elect to prosecute the invention of Group I with traverse and select the species represented by Example 2 is for initial consideration. (See also claim 8.) Claims 1, 2, 4, 7 (each in part) and 8 read on the selected species.

Claim 1 was considered to be a generic claim. The undersigned reserves the right to request rejoinder of the method claims upon indication of allowable subject matter for the Group I invention. Upon allowance of a generic claim, the withdrawn claims will be amended to be consistent to the scope of the allowed generic claim if necessary.

It is noted that claim 1 may not be a generic claim to the species presently claimed in claim 9. However it is respectfully urged that examination claim 9 be included since it should not present an undue burden on the examiner.

The restriction requirement is traversed it applies to the restriction of the Group II from the Group I. Group II now contains only claim 12 and should be examined along with claim 1. Claim 12 includes all the limitations of claim 1. Therefore, it is believed that examination of claim 12 will not constitute a serious burden on the Examiner. Consequently, it is requested that claim 12 be considered along with claim 1 in the present application. In the alternative, it is urged that claim 12 should be rejoined upon allowance of a generic claim.

II. Claim Amendments

Claims 1, 3, 4 and 5 have been amended to more closely mirror the examples in the

present application. (See pp. 28-30 and the synthetic procedures on pp 65-87.) All citations that reference the present application refer to published PCT application, WO05/051893, published 9 June 2005.

In claim 1 the formula I has been replaced with a different formula that does not include the R_{PH} substituent.

All references in the claims to "prodrug derivatives" have been deleted.

Minor typographical errors in claims 5-7 have been made, i.e., replacing "The" with --A--.

Claim 9 has been amended to be an independent claim.

Claim 10 has been amended to recite to specific ester derivatives of the carboxylic acid group on R_C. Support for this amendment can be found in the present application on pp. 89 and 90.

It is believed that these amendments do not add new matter.

III. Conclusion

Timely examination leading to allowance of all claims is respectfully requested. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Submission or other issues that may be resolved in that fashion.

Respectfully submitted,

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